

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERNIE HINES,

Plaintiff,

-v-

ROC-A-FELLA RECORDS, LLC et al.,
Defendants.

19-CV-4587 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On April 16, 2020, this Court granted Defendants’ motions to dismiss and gave Plaintiff 60 days to file an amended complaint. The Court stated that failure to comply would result in dismissal with prejudice. (Dkt. No. 94.) Rather than file an amended complaint, Plaintiff filed a new action in this court, *Hines v. EMI April Music Inc.*, No. 20-CV-3535.

On July 1, 2020, the Court dismissed the claims in this case “without prejudice,” noting that the new action had been filed within 60 days and was sufficiently compliant with the Court’s April 16, 2020 order. (Dkt. No. 114.)

Certain Defendants — Roc-A-Fella Records, LLC, Def Jam Recordings, a division of UMG Recordings, Inc., and Sony Music Entertainment — have moved to alter or amend the judgment or for reconsideration, arguing that the dismissal as to them should be “with prejudice.” (Dkt. Nos. 116, 118.) As the Movants correctly point out, the new action does not replead any claims against them, nor did Plaintiff’s counsel meet the payment condition of such repleading imposed by the Court’s April 16, 2020 order. Nor has the Plaintiff opposed the Movants’ motion for reconsideration. It thus appears that the Plaintiff has abandoned any claims against the Movants.

The Movants are correct that dismissal with prejudice as to them follows from a fair reading of this Court's prior orders and the Plaintiff's subsequent filings.

Accordingly, the Movants' motion to alter or amend the judgment or for reconsideration is GRANTED. It is hereby ordered that the dismissal of Plaintiffs' claims in this case as against Defendants Roc-A-Fella Records, LLC, Def Jam Recordings, a division of UMG Recordings, Inc., and Sony Music Entertainment (sued as Sony Music Holdings, Inc.) is with prejudice.

The Clerk of Court is directed to close the motions at Docket Number 116.

This case, which was marked as closed on July 1, 2020, remains closed.

SO ORDERED.

Dated: March 30, 2020
New York, New York



J. PAUL OETKEN
United States District Judge